

REMARKS:

Applicant has carefully studied the nonfinal Examiner's Action and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Claim Rejections – 35 U.S.C. § 101

Applicant acknowledges the quotation of 35 U.S.C § 101.

Claims 1-7 and 9-14 stand rejected under 35 U.S.C § 101 as being directed to non-statutory subject matter. The Office states that the instant claims are drawn to a method of screening a mammogram. However, the Office states that, as the method does not recite a physical transformation of matter, the method must be tied to a machine to be patentable subject matter (In Re Bilski, No 2007-10030, and decided 10/30/2008).

Independent claims 1 and 14 have been amended to overcome the rejection by the Office and are now believed to be in condition for allowance. More specifically, the claims have been amended to include the claim limitation that the asymptomatic patient's mammogram be generated by a mammography machine. As such, Applicant believes that the method claims of the present invention are tied to a mammography machine and as such are considered patentable subject matter.

Claims 2-7 and 9-13 are dependent upon claim 1, and are therefore allowable as a matter of law.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned is requested.

Very respectfully,
SMITH & HOPEN

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Reg. No.: 46,457

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CERTIFICATE OF ELECTRONIC TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being electronically transmitted to the Patent and Trademark Office through EFS Web on August 7, 2009.

Date: August 7, 2009

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